IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 28.11.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice S.TAMILVANAN

Writ Petition No.27330 of 2003

Emeraled Promoters (P) Ltd.,
rep., by its Managing Director
P.Srinivasan,
S/o K.parthasarathy.
No.30, West Cott Road,
Royapettah, Chennai-600 014. .. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by its Secretary to Government,
Housing & Urban Development Department,
Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
No.1, Gandhi Irwin Road,
Chennai-600 008. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Declaration to declare that Rule 19 (b) III B of Development Control Rules as ultra vires the Tamil Nadu Town and Country Planning Act, illegal, unconstitutional and unenforceable in so far as it relates to the demand of security deposit for the proposed development in so far as the petitioner is concerned and consequently, direct the second respondent to issue planning permission to the petitioner without insisting on payment of security deposit of Rs.5,75,000/-, Rs.4,75,000/- towards development charges and Rs.1,00,000/- towards septic tank with upflow filter charges as per letter No.B3/35630/2002 dated 19.09.2003 on the file of the second respondent.

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For Petitioner : Mr.D.S.Rajasekaran
For 1st Respondent : Mr.R.Viduthalai
Advocate General for
Mr.K.Elango, Spl. G.P.,
For 2nd respondent : Mr.J.Ravindran for CMDA.,

ORDER

(Order of the Court was delivered by P.SATHASIVAM, J.)

Learned counsel appearing for the petitioner seeks permission to withdraw the above writ petition and has also made an endorsement to that effect. Accordingly permission is granted and the writ petition is dismissed as withdrawn. It is made clear that if need arises, the petitioner is permitted to challenge the provisions of Rule 19(b) (III-B) of Development Control Rules at the appropriate time. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

raa

To

1.The Secretary to Government,
State of Tamil Nadu,
Housing & Urban Development Department,
Fort St. George,
Chennai-600 009.

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Building,
No.1, Gandhi Irwin Road,
Chennai-600 008.

+ 1 CC To Mr. J.Ravindran, Advocate SR NO. 58979

W.P.No.27330 of 2003

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